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the Elimination
of all Forms of
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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of
Racial Discrimination

France

1. The Committee considered the twelfth, thirteenth and fourteenth periodic reports of France, submitted as one document (CERD/C/337/Add.5), at its 1373rd and 1374th meetings (CERD/C/SR/1373 and 1374), held on 6 and 7 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by a delegation which included representatives of many government departments. At the same time it regrets the late submission of the present reports.

3. The Committee considers that the twelfth, thirteenth and fourteenth reports do not adequately address the Committee's concluding observations on the previous reports (A/49/18, paras. 140-159), although the delegation addressed some of them orally.

B. Positive aspects

4. The Committee notes with satisfaction, among new measures against racial discrimination, the law of 29 July 1998 detailing action against exclusion, the reorganization and extension of departmental anti-racism bureaux, the establishment of departmental commissions on access to citizenship, the work of the Study Group on Discrimination, the creation of departmental committees for coordinating policies against exclusion and of departmental councils on access to justice, and provisions for mediation. The Committee commends the part played by the National Consultative Commission on Human Rights in action against racial discrimination.

5. The Committee also notes that the Government has acted systematically in the suppression of speech and publications likely to incite racial hatred.

C. Concerns and recommendations

6. Since the Committee considers that the prohibition of attempts to justify crimes against humanity, and of their denial, should not be limited to those committed during the Second World War, it welcomes the assurance provided by the delegation and requests that the State party report thereon in its next periodic report.

7. While taking note of the State party's view of the importance of individual privacy when collecting information on the composition of the population, the Committee expresses concern about the paucity of information for monitoring implementation of the Convention.

8. While noting that French penal legislation satisfies most of the requirements of article 4, the Committee reiterates its recommendation that France ensure the effective prohibition of actions which are discriminatory in effect on the basis of race or ethnic or national origin, in accordance with its General Recommendation XIV (42).

9. The Committee expresses concern about possible discrimination in effect in the implementation of laws providing for the removal of foreigners from French territory, including persons in possession of valid visas, and the delegation of responsibilities which should be exercised by State officials.

10. In the light of article 3 of the Convention and its General Recommendation XIX (47), the Committee recommends that the State party monitor all tendencies which may give rise to racial or ethnic segregation and counter the negative consequences of such tendencies.

11. The Committee recommends that the State party include in the sixteenth periodic report, due on 27 August 2002, statistics on racially motivated offences, their investigation, and the punishment of the perpetrators.

12. The Committee reiterates its recommendation that France ensure the effective protection of the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and to provide compensation to victims of racial discrimination.

13. The Committee reiterates its recommendation that when France reviews its laws restricting certain occupations to French nationals it ensures that none is discriminatory in effect.

14. In accordance with article 5(f) of the Convention, it is recommended that the State party reinforce existing measures to ensure that access to places or services intended for use by the general public is not denied to any person on grounds of national or ethnic origin.

15. With regard to article 6 of the Convention, the Committee recommends that the State party reinforce the effectiveness of the remedies available to victims of racial discrimination.

16. The Committee expresses concern over reports that negative images of the Roma minority prevail in the mass media and in the public generally. It recommends that the State party give full effect to the provisions of article 7 of the Convention by adopting effective measures, particularly in the fields of education, training and human rights information, to combat such prejudices.

17. The Committee expresses concern that remedies available under article 14 of the Convention may not be sufficiently well known.

18. The Committee recommends that the State party's reports should be made readily available to the public from the time they are submitted and that the Committee's observations on those reports be similarly publicized.

19. It recommends that the State party's fifteenth periodic report, due on 27 August 2000, be an updating report responding to issues raised in the consideration of the present reports and to questions outstanding from the reports considered in 1994.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Zimbabwe

1. The Committee considered the combined second, third, and fourth periodic reports of Zimbabwe (CERD/C/329/Add.1) at its 1374th and 1375th meetings (CERD/C/SR.1374 and 1375), held on 7 and 8 March 2000. At its 1395th meeting, held on 22 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Zimbabwe which followed the general guidelines for the presentation of States parties' reports. The Committee expresses its appreciation for the additional information provided in the core document (HRI/CORE/1/Add.55) and orally by the delegation. The Committee is encouraged by the constructive, open and frank dialogue it had with the delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that prior to 1980, the legislation and policies implemented by the white minority regime in Zimbabwe led to racial segregation and discrimination in the country. The continuing effects of Zimbabwe's social and political history, together with the burden of the external debt and other economic concerns, have impeded full implementation of the Convention.

C. Positive aspects

4 The Committee notes the efforts made by the State party within the educational system to reduce racial segregation, introduce the use of minority languages and incorporate human rights education into the curricula through innovative methods.

5. The Committee welcomes Zimbabwe's recent enactment of the Prevention of Discrimination Act which, inter alia, prohibits "discrimination on the ground of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender" and the 1997 amendment to the Ombudsman's Act which broadens the mandate to include investigation of any violations of human rights committed by members of the defence and police forces and the prison service.

6. The Committee notes the amendment to the Administration of Estates Act which addresses concerns previously raised with respect to customary law regarding marriage, inheritance and succession.

7. The Committee welcomes the State party's initiative to introduce, with the support of the International Committee of the Red Cross, human rights training for civil servants as well as members of the police and defence forces.

D. Concerns and recommendations

8. The Committee is concerned that the Ombudsman is restricted in her powers to investigating the actions of public officials in fields relating to racial discrimination. There is also concern that article 4 of the amendment to the Ombudsman Act limits access to the complaints process. It is recommended that the State party take appropriate measures to enable the Ombudsman to monitor public officials and their powers.

9. The Committee notes that the Ministry of Education has encountered problems in addressing the racial segregation created by the parallel system of public and private schools. It is recommended that the State party, in its next periodic report, provide additional quantitative and qualitative information on racial segregation in schools.

10. There is concern that the Prevention of Discrimination Act does not adequately address all the elements of article 4, particularly as regards the prohibition and criminalization of all organizations and propaganda activities that promote and incite racial discrimination. Additionally, there is concern that the inclusion of "the risk element" referred to in section 6 (1) of the Act, weakens the text, whereas article 4 of the Convention does not limit or place conditions on the prohibition of racist statements.

11. It is noted with regret that the full implementation of the policy to introduce minority languages into the school curricula has been impeded by financial, human and material constraints. The State party is encouraged to proceed with its proposal to give priority in the teacher training and curriculum development programmes to persons with minority languages.

12. The Committee notes with concern the insufficient information provided on the situation of refugees, migrants and non-nationals residing in Zimbabwe. Additionally, it notes with dissatisfaction that the laws concerning citizenship give preference to non-national female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. It is recommended that the State party review its citizenship laws to ensure non-discrimination. The State party is invited to provide, in its next periodic report, additional information on the situation of refugees, migrants and non-nationals residing in Zimbabwe as well as the relevant legislative measures available to ensure the protection of their rights.

13. While noting the challenges faced by the State party with respect to land redistribution, the Committee regrets that very little progress has been made in this regard since the consideration of the initial report. Concern is expressed that the criteria established for persons to qualify as beneficiaries under the Commercial Farm Settlement Scheme may limit the number of black farmers who qualify. It is recommended that the State party introduce measures to improve access to financial and technical support for black farmers who may not otherwise qualify under the Scheme and in this context consider the possibility of communal access to commercial farmland. The State party is encouraged to continue its study of land reform measures with a view to implementing a comprehensive land reform programme in Zimbabwe, in accordance with due process of law and in a manner that will enhance the economic and social rights of its citizens.

14. Concern is expressed at the insufficient information provided with respect to article 6 of the Convention. The State party is requested to include information in its next periodic report on the measures undertaken to improve public awareness of the Convention and other legal mechanisms that guarantee and protect against all forms of discrimination as well as the development of case law in this regard.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making the declaration be considered.

16. The Committee recommends that the next periodic report of the State party be readily available to the public from the time it is submitted and that these concluding observations be made widely available to the public. The Committee further recommends that the State party's next periodic report, due on 12 June 2000, be an updating report and that it address the points raised during the consideration of the present report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding Observations of the Committee on the Elimination of Racial Discrimination

Denmark

1. The Committee considered the fourteenth periodic report of Denmark (CERD/C/362/Add.1) at its 1377th and 1378th meetings on 8 and 9 March 2000 (CERD/C/SR.1377 and 1378) and at its 1397th meeting, on 23 March 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report, including in Greenland. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with the delegation, which represented a very wide range of ministries, and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Positive aspects

3. The fact that Denmark submits its periodic reports under the Convention within the established timetable is welcomed.

4. The Committee notes that the State party has enacted the Act on Integration of Aliens (1998), which entered into force on 1 January 1999. The new Act on the Board for Ethnic Equality, enacted in 1997, is welcomed.

5. The Committee notes with interest the establishment in 1999 of a new Committee of Ministers to prepare an inter-ministerial and comprehensive report on existing integration problems and a plan of action to improve the integration of aliens. In this regard, it noted that the report and action plan were launched in February 2000 and contain over 75 concrete initiatives and measures.

6. The Committee notes with satisfaction that, following the case of the Iraqi woman referred to during the oral presentation of the State party's report, the Danish Immigration Service decided to make slight adjustments to its practice by which it assigns refugees to municipalities in Denmark.

C. Concerns and recommendations

7. The Committee notes that the new Act on Integration of Aliens transfers the responsibility for integration from the central to the local authorities. The Committee recommends to the State party to monitor closely the implementation of the new Act with a view to ensuring that the geographical distribution of aliens within the State party is made according to the principle of equity and does not lead to violation of their rights recognized under the Convention.

8. In light of article 4 of the Convention, the Committee is concerned about activities of organizations which promote racial hatred and discrimination. It is especially concerned about the influence of Radio Oasen, owned by a neo-Nazi association, whose licence was renewed in 1997 by the Ministry of Culture and which receives financial support from the Government. The Committee recommends to the State party to declare illegal and prohibit any organization which promotes and incites racial discrimination and calls attention to its General Recommendation No. XV in this regard.

9. With regard to the right to housing, the Committee is concerned that decisions regarding quotas for newly arrived refugees and/or asylum-seekers can be arbitrary in their effects. The Committee recommends to the State party to adopt rules of procedure regarding the right to housing of refugees and/or asylum-seekers which are in line with the principles and provisions of the Convention.

10. The Committee notes that some individuals have been convicted for violating section 266 (b) of the Criminal Code and suggests that sanctions pronounced under the Criminal Code be commensurate with the nature of the related crime.

11. The Committee is concerned that equal attention be paid to the economic, social and cultural rights listed in article 5. It is particularly concerned by the level of unemployment among foreigners and the difficult access to employment of members of ethnic minorities. In particular, the Committee draws the attention of the State party to the fact that, although the State

party is not obliged to provide work permits to foreign residents, it has to guarantee that foreigners who have obtained a work permit are not discriminated against in their access to employment.

12. The Committee recommends to the State party to take all effective measures to reduce unemployment among foreigners and facilitate the professional integration of all persons belonging to ethnic minorities in the public administration.

13. Though efforts in this sense have been initiated, the Committee notes that the Convention has not yet been translated into the Greenlandic language. It therefore recommends to the State party rapidly to facilitate this process and provide means for the dissemination of the Greenlandic version of the Convention.

14. The Committee reiterates its suggestion that even further action be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

15. The Committee recommends that the State party's next periodic report, due on 8 January 2001, be an updating report and that it address all the points raised in the present observations.

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Malta

1. The Committee considered the combined thirteenth and fourteenth periodic reports of Malta (CERD/C/337/Add.3) at its 1379th and 1380th meetings (CERD/C/SR. 1379 and 1380), held on 8 and 9 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Malta, which follows the general guidelines for the presentation of State party reports and contains an update of developments that have occurred since the consideration of the previous periodic report. The Committee expresses its appreciation to the delegation for the additional information provided during the dialogue.

B. Positive aspects

3. The Committee welcomes the amendments to the Press Act, as well as the measures envisaged by the State party to amend the Criminal Code and the Police Force Act, intended to cover aspects of article 4 of the Convention.

4. The Committee notes with satisfaction the amendment to the Citizenship Act which allows dual citizenship and entitles foreign spouses of Maltese nationals to be registered as nationals and the new law establishing procedures regarding refugees and asylum-seekers.

5. The Committee welcomes Malta's declaration in 1998 with respect to article 14 of the Convention.

C. Concerns and recommendations

6. The Committee is concerned that article 4 of the Convention is not fully covered by the legislation. The State party is recommended to take into account all aspects of article 4 in the elaboration of the new legislation and to review its declaration in relation to this article, made upon ratification of the Convention.

7. Although only a few cases of offences of a racial nature are reported, the Committee recommends that the State party investigate them carefully and take steps to prevent such incidents.

8. While noting the legislation covering many aspects of article 5 of the Convention, the Committee is concerned that the report does not sufficiently describe how this legislation is applied in practice and requests the State party to include such information in the next report.

9. It is noted with concern that there have been claims of racial discrimination in housing, particularly as regards rental accommodation. It is recommended that the State party review the situation of rental accommodation with a view to ensuring non-discrimination, and provide additional information on this matter in its next periodic report to the Committee.

10. Concern is expressed that the Employment Commission of Malta is empowered to consider only allegations of discrimination based on political opinion. It is recommended that the State party consider expanding the scope of the competence of the Commission to cover all aspects of racial discrimination.

11. The State party is encouraged to increase its efforts in disseminating information about the duties and responsibilities of the Ombudsman, as well as about the procedure for launching complaints concerning racial discrimination.

12. It is noted with concern that the new Police Code (Malta Police Force Act) provides that officers found to have treated persons in a discriminatory manner in the course of their duties are subjected to disciplinary action only. It is recommended that the State party take the necessary measures to ensure that criminal charges are brought against police officers for acts violating the provisions of the Convention.

13. The State party is invited to provide additional information on the criteria for granting temporary as opposed to permanent refugee status, specifically as regards European and non-European asylum-seekers. The State party is also invited to provide additional information

on the implementation of the recently enacted legislation regarding refugees and asylum-seekers and the effect of the recent withdrawal by Malta of the geographical limitation clause relating to non-European refugees.

14. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6 of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States parties to the Convention.

15. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. The Committee further recommends that the State party's next periodic report, due on 26 June 2000, be an updating report and that it address the points raised during the consideration of the combined thirteenth and fourteenth periodic reports.

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Spain

1. The Committee considered the fourteenth and fifteenth periodic reports of Spain, submitted as one document (CERD/C/338/Add.6), at its 1383rd and 1384th meetings (CERD/C/SR.1383 and 1384), held on 13 and 14 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the delegation, although it was considered that numerous and voluminous annexes to the report in Spanish prevented members from having easy access to essential information. The Committee was encouraged by the attendance of a delegation composed of representatives of many government departments and expresses its appreciation for the frank and constructive responses of the members of the delegation to the questions asked.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations set out in the Committee's previous concluding observations. However, the new report is an updating report describing developments in the interim period, rather than the comprehensive one that the Committee requested. Moreover, the new report does not conform fully with the Committee's reporting guidelines.

B. Positive aspects

4. The Committee notes the recent enactment of Organic Law No. 4/2000 on Rights and Freedoms of Foreigners, the implementation of which will be followed closely and with great interest, particularly with respect to regularization schemes for illegal immigrants and the establishment of integration programmes.

5. The Committee encourages the continued implementation and evaluation of the results of the "Gypsy development programme" initiated by the Government in 1989 and conducted in cooperation with Roma associations. It notes with particular interest the favourable effects in the field of housing of measures designed to ensure that the Roma are not discriminated against.

C. Concerns and recommendations

6. The Committee notes with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs. It also notes that violence against certain foreigners often results in judicial proceedings alleging assault, unlawful detention and property damage, and that the racial aspect of such acts is not taken into consideration. With reference to article 4 of the Convention, the Committee recommends that the State party register, for inclusion in the next periodic report, statistics of allegations of racially-motivated and related offences, their investigation and the punishment of those responsible.

7. The Committee is concerned about the recent incidents of violence against persons of Moroccan nationality in El Ejido in the region of Almería and is further concerned about reports that the underlying socio-economic problems which provoked these events are also found in other regions of the country. The Committee therefore recommends that the State party take measures to resolve the underlying causes of tension and unrest, not merely on an emergency basis, but as part of a long-term strategy to combat racial discrimination and violence, so as to prevent the recurrence of such incidents. The Committee also wishes to receive further information concerning the criminal proceedings brought against individuals involved in the incidents, and to know to what extent convictions were directly linked to acts of racial discrimination.

8. The Committee notes that no easily accessible information was provided with regard to the status of the inhabitants of Ceuta and Melilla. The State party is requested to provide information on their status and on whether they enjoy, without discrimination, the rights listed in article 5 of the Convention.

9. With reference to article 5 (e) of the Convention, the Committee expresses concern about reports indicating the prevailing discrimination against persons of foreign origin, particularly in the field of employment. The Committee wishes to receive further information on measures taken by the State party to ensure the practical enjoyment by persons belonging to ethnic or national minorities of the rights to work and to equal opportunities for promotion and career development, to education and to housing.

10. While noting the positive measures taken by the State party to ensure that the Roma are not discriminated against, the Committee expresses concern over the high drop-out rates and registered absences of Roma children in primary schools, as well as the low number of Roma completing higher education. The State party is requested to provide information about measures undertaken and planned to ensure equal education opportunities for the Roma minority.

11. With reference to previously expressed concern about reports of racist attitudes on the part of the police and Civil Guard officers, the State party is requested to provide information in its next report on any evaluation made of the effectiveness of non-discrimination training schemes for these officers.

12. The State party is invited to provide further information in its next report on the following issues: (a) the ethnic composition of the population and the principal socio-economic situation of each group; (b) action taken to implement Organic Law No. 4/2000 on Rights and Freedoms of Foreigners effectively; (c) the results of the regularization schemes for illegal immigrants, and (d) measures taken to ensure that laws governing the right to education and linguistic standardization in the Autonomous Communities are not discriminatory in effect.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

14. While noting that the State party has made the declaration provided for in article 14 of the Convention, the Committee recommends that the State party review its reservation under article 14, which imposes a restrictive deadline of three months instead of six after the exhaustion of domestic remedies, for the submission of communications to the Committee.

15. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

16. The Committee recommends that the State party's next periodic report, which was due on 4 January 2000, be a comprehensive report and that it address the points raised in the present observations.

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Tonga

1. The Committee considered the fourteenth periodic report of Tonga (CERD/C/362/Add.3) at its 1384th meeting (CERD/C/SR.1384), held on 14 March 2000. At its 1395th meeting, held on 22 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party and expresses satisfaction over the regularity with which it fulfils its reporting obligations under the Convention. Although regretting the absence of a delegation at the meeting, the Committee recognizes the difficulties inherent in the appointment of such a delegation for a small State like Tonga.

3. The Committee is particularly pleased by the special effort made by the State party to respond to questions contained in its previous concluding observations (CERD/C/304/Add.63).

B. Positive aspects

4. The Committee notes with appreciation the State party's information, in response to previous requests from the Committee, on the constitutional protection of the enjoyment of rights enumerated in article 5 of the Convention.

C. Concerns and recommendations

5. The Committee notes that the State party repeatedly asserted that there is no racial discrimination as defined in article 1 of the Convention. The Committee underlines, however, that the obligation of States parties to enact explicit legislation in accordance with article 4 of the Convention should not be seen merely as a means to ensure protection against existing violations of the Convention, but as a preventive measure. The Committee is of the opinion that the absence of complaints and legal action by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies, or a result of the absence of relevant specific legislation. The Committee recommends that the State party take steps to ensure that national legislation is in full conformity with article 4 of the Convention.

6. The Committee notes that the Convention has not been incorporated in domestic law and cannot be invoked before the national courts. It notes, however, that the State party asserts that the Convention is implicitly applied.

7. The Committee recommends, with reference to its revised general guidelines regarding the form and contents of reports (CERD/C/70/Rev.4), that the State party include in its next report information on factors affecting and difficulties experienced in ensuring for women the equal enjoyment, free from racial discrimination, of rights under the Convention, in order for the Committee to be able to assess whether any racial discrimination has an impact on women different from that which it has on men.

8. Particular concern is expressed at section 10 (2) (c) of the Immigration Act of the Laws of Tonga, according to which the right to marriage between a Tongan and a non-Tongan is conditioned by the written consent of the Principal Immigration Officer. The Committee considers that such legislation might constitute a breach of article 5, paragraph (d) of the Convention.

9. The State party is invited to provide further information in its next report on measures taken in the field of education and culture to combat and prevent racial discrimination.

10. The Committee recommends that the State party prepare a core document in accordance with the consolidated guidelines for the initial part of the reports of State Parties (A/45/636, para. 65).

11. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

12. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

13. The Committee recommends that the State party's next periodic report, due on 17 March 2001, be a comprehensive report and that it address all the points raised in the present observations.

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Rwanda

1. The Committee considered the eighth, ninth, tenth, eleventh and twelfth periodic reports of Rwanda, submitted as one document (CERD/C/335/Add.1), at its 1385th and 1386th meetings (CERD/C/SR.1385 and 1386), held on 14 and 15 March 2000. At its 1397th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation as a constructive response to the questions asked by the Committee members. The Committee also welcomes the opportunity thus offered to renew its dialogue with the State party within the framework of the regular reporting procedure.

3. The Committee notes that despite the long period which has elapsed since the examination of the State party's previous report in 1988 and the enormous tragedies which have since occurred in Rwanda, the report focuses primarily on the legislative and practical steps taken by the State party to eliminate institutionalized and other forms of racial discrimination, but contains little information on racially discriminatory acts which have been committed.

B. Factors and difficulties impeding implementation of the Convention

4. The Committee bears in mind the events of 1994 and thereafter, involving genocide and the massive loss of life, and recognizes the difficulty for the population of the State party to overcome this recent history. The Committee is aware that the genocide continues to affect most aspects of life in the State party. The Committee also recognizes the problems posed by the attacks of armed opposition groups from outside its territory since 1994.

5. The Committee further notes that State financial and material resources were reduced to a minimum by acts of destruction and theft during the armed conflicts in 1994. While noting the progress made by the State party in addressing some of the economic problems facing the country, in particular reducing the level of inflation, the Committee is aware that the continuing economic difficulties in the State party, its heavy dependence upon scarce international assistance, and the limited resources available to the State party are significant obstacles to the full implementation of the Convention in Rwanda.

C. Positive aspects

6. The Committee commends the State party for its significant progress in addressing institutional forms of discrimination. The Committee notes with satisfaction the establishment of an independent National Human Rights Commission with a mandate to monitor and promote respect for human rights and to monitor how State institutions with responsibility for the implementation and protection of human rights, including those covered by the Convention, are managed.

7. The Committee also notes the efforts made by the State party to remove all references to ethnic distinctions from official texts and speeches, as well as from identity cards. In addition, the Committee notes the State party's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice. The Committee is encouraged by the State party's efforts to rehabilitate the judicial system, including through the training of judicial and law enforcement officials.

8. The Committee welcomes the efforts made by the State party to improve the economic and social rights of the people, notably through the provision of housing facilities.

9. The Committee commends the State party for its efforts to receive refugees from neighbouring countries.

D. Concerns and recommendations

10. The Committee remains concerned that impunity prevails, notably in some cases involving unlawful acts committed by members of the security forces. The Committee recommends to the State party to continue addressing impunity through the judicial process and urges the State party to make additional efforts to respond adequately to and prevent unlawful acts committed by members of the military or civilian authorities.

11. The Committee notes that given the nature of the recent genocide, the majority of the large number of imprisoned or detained persons belong to the Hutu ethnic group. The Committee expresses its concern over the poor conditions of detention and imprisonment and the mortality rate of detained and imprisoned persons. The Committee recommends that the State party continue its efforts to respect minimum standards of detention.

12. The Committee recognizes the difficulties faced by the State party in the administration of justice and acknowledges the State party's efforts to identify practical methods to strengthen judicial procedures, including through the use of customary law practices. It urges the State party to take further measures to reduce periods of pre-trial detention and to ensure that the right to equal treatment before the law, as defined in article 5 (a) of the Convention, is respected in national and customary judicial proceedings.

13. The Committee notes the State party's past efforts to introduce "screening" practices, such as the Commissions de Triage, as an additional means of providing an early release from detention of those persons against whom there is little recorded evidence of criminal offences. The Committee recommends to the State party to recommence such efforts and to ensure that the population in general is well informed of these procedures so that those persons who are released are able to reintegrate into their communities in safety. The Committee further recommends that amnesty should be extended to lesser offenders who confess their crimes.

14. The Committee notes with satisfaction that the State party has resumed its cooperation with the International Tribunal for Rwanda and recommends to the State party to assist and to cooperate fully with the Tribunal.

15. While noting that the State party's measures to relocate large groups of the population to semi-urban locations are intended to improve access to water, health and other services, the Committee is concerned about reports of forced relocations and that some relocated persons do not have access to adequate housing. The Committee recommends to the State party to ensure that all relocations are on a non-discriminatory basis and that relocated persons enjoy, without discrimination, the rights listed in article 5 of the Convention.

16. The Committee recognizes the State party's efforts to establish a specialized centre for juveniles accused of participating in the genocide, but remains concerned at the detrimental effect upon children of long periods of detention. While taking into consideration the very serious and tragic acts of which these juveniles are accused, the Committee nevertheless recommends that the State party make every effort to reintegrate such juveniles into the community as soon as is possible.

17. The Committee is concerned about recent reports on the setting up of village-based local defence forces, armed with firearms and machetes, receiving very limited training and which include among their recruits very young persons. The Committee recommends to the State party to avoid any action which might lead to new outbursts of ethnic violence, especially violence involving juveniles.

18. Recalling its decisions on Rwanda under its early warning and urgent action procedures, notably its decisions 5 (53) of 19 August 1998 and 3 (54) of 19 March 1999, the Committee is further concerned by reports of the intimidation of judicial authorities seeking to investigate and address human rights violations committed since 1994 against ethnic Hutus.

19. The Committee calls upon the State party to make additional efforts to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed and to address these acts through the judicial process, while maintaining full respect for the relevant human rights of accused and detained persons and ensuring that judicial officials are able to conduct their work free from intimidation or other pressure.

20. The State party is invited, in its next report, to provide further information on the following issues: (a) actions taken in respect of human rights to improve the mutual understanding of all members of the population; (b) further actions taken to address human rights violations stemming from discriminatory treatment; and (c) actions taken, and results achieved, by the National Human Rights Commission.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

22. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

23. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

24. The Committee recommends that the State party's next periodic report, due on 16 May 2000, be an updating report and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Estonia

1. The Committee considered the initial, second, third, and fourth periodic reports of Estonia, submitted in one document (CERD/C/329/Add.2), at its 1387th and 1388th meetings (CERD/C/SR.1387 and 1388), held on 15 and 17 March 2000. At its 1398th meeting, held on 24 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report submitted by the State party, drafted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation. The initiation of a frank and constructive dialogue with the State party is equally welcomed.

3. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the candid and constructive response of its members to the questions asked and comments made by the members of the Committee.

B. Factors and difficulties impeding implementation of the Convention

4. Having regained independence in 1991, the State party has begun the process of legislative reform and efforts in the social, economic and cultural field in the midst of economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

C. Positive aspects

5. The Committee notes with satisfaction that, notwithstanding the difficulties in this period of transition, the State party has made important progress in the area of legislative reform. It notes that among the first priorities established by Estonia was the ratification of international and regional human rights instruments. It welcomes the information provided by the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have primacy over domestic legislation and may be directly invoked in the courts.

6. The Committee notes with satisfaction the initiative taken by the State party to encourage integration of members of different nationalities residing on its territory, such as the draft State programme "Integration in Estonian Society 2000-2007" recently submitted to the Parliament for consideration.

7. The Committee welcomes the fact that the right to vote in local elections has been granted to all permanent residents, regardless of their nationality.

8. The Committee notes positively the existence of considerable number of organizations promoting minority cultures, as well as of a developed Russian-speaking media network.

C. Concerns and recommendations

9. The Committee is concerned that the definition of national minorities contained in the 1993 National Minorities Cultural Autonomy Act only applies to Estonian citizens. In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restrictive and narrow definition may limit the scope of the State Programme on Integration.

10. With regard to stateless persons and their children, who are automatically born stateless, the Committee wishes to have more detailed information on this specific issue and particularly on the number of stateless persons who have been naturalized.

11. The Committee expresses particular concern that the provisions for restricted immigration quotas established by the 1993 Aliens Act apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland. It is recommended that the quota system be applied without discrimination based on race or ethnic or national origin.

12. Information that the State party intends to reduce the provision of instruction in minority languages in the near future, including in areas where the Russian-speaking population is in the majority, is noted with concern. The Committee urges the State party to maintain the possibility for the various ethnic groups of receiving instruction in their languages or to study those languages at different educational levels without prejudice to the learning of the official language, as well as of using their mother tongue in private and in public.

13. Moreover, the Committee would like to receive detailed information in the State party's next report on the enjoyment of the Russian-speaking population of the rights listed in article 5 (d) and (e) of the Convention, in particular, possibilities for naturalization and for access to secondary education, employment, medical care and housing

14. The State party is invited to provide further information in its next report on the following issues: (a) the work of the Legal Chancellor in ensuring respect of the Convention; (b) the existence of and measures to combat organizations of a racist character; (c) the effective penalties imposed in the case of conviction for acts of racism or racial discrimination; (d) Estonian birth rate trends, including separate data on the majority population and on ethnic minorities.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

16. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

18. The Committee recommends that the State party's next periodic report, due on 19 November 2000, be a comprehensive report and that it address the points raised in the present observations.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Lesotho

1. The Committee considered the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Lesotho, submitted as one document (CERD/C/337/Add.1), at its 1389th and 1390th meetings (CERD/C/SR.1389 and 1390), held on 17 and 20 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the high-level delegation. It also thanks the State party for its additional updated report which not only contains useful information that was not included in the report but also gives a more candid assessment of matters relating to racial discrimination on the territory of the State party.

3. The Committee welcomes the opportunity to resume the dialogue with the State party after a 16-year hiatus.

B. Positive aspects

4. The Committee welcomes the constitutional status granted to the protection of human rights and the recognition of the principle of equality of persons in the State party's Constitution, in particular section 18, designed to preclude any form of discrimination, including racial discrimination.

C. Concerns and recommendations

5. The Committee is concerned about the recent incidents of tension between Lesotho nationals and Asian and South African white factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. The Committee recommends that the State party take measures to resolve the underlying socio-economic causes of these events. In this context, the Committee draws the attention of the State party to General Recommendation XI on non-citizens and the obligation to report fully on legislation concerning foreigners and its implementation. It therefore requests that more detailed information be included in the State party's next report on the situation and rights of non-nationals residing in the country.

6. The Committee notes the non-self-executing character of international conventions in the State party and would like to have more information on the status of the Convention.

7. The Committee is concerned about increasing expressions of xenophobia resulting in acts of racial discrimination. The Committee is further concerned about the absence from the 1971 Race Relations Order of a comprehensive legislative framework prohibiting and penalizing such acts. Taking note of information provided by the delegation on the State party's intention to review the legislation in this respect, the Committee encourages the State party to establish appropriate and effective remedies and recourse mechanisms and to implement fully all its obligations under articles 2, 4 and 6 of the Convention.

8. The State party is invited to provide further information in its next report about: (a) the ethnic composition of the population and (b) measures taken to implement article 7 of the Convention.

9. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

10. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

11. The Committee recommends that States party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

12. The Committee recommends that the State party's next periodic report, which is due on 4 December 2000, be a comprehensive report and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Bahrain

1. The Committee considered the initial, second, third, fourth and fifth periodic reports of Bahrain, submitted as one document (CERD/C/353/Add.1/Rev.1), at its 1390th and 1391st meetings (CERD/C/SR.1390 and 1391), held on 20 March 2000. At its 1397th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the consolidated report, which contained detailed demographic and economic data and information on the legal framework relating to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, the Committee appreciates that the report was prepared in accordance with the Committee's guidelines. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the open and constructive dialogue which took place.

B. Positive aspects

3. The Committee welcomes the fact that the State party has acceded to several international human rights instruments. The Committee further notes with satisfaction that the Convention has been published in the Official Gazette, has the force of law and can be invoked by individuals before the courts.

4. The Committee welcomes the establishment of the Committee for Human Rights and will follow its future work with interest.

5. The Committee notes with satisfaction the State party's ratification on 15 March 2000 of the amendment to article 8, paragraph 6 of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

C. Concerns and recommendations

6. While noting the extensive demographic data provided, the Committee recommends that the State party provide data disaggregated by ethnicity and nationality, given that a significant proportion of the population (38 per cent) and a majority of the working force (63 per cent) are not Bahrainis.

7. While noting the detailed information provided by the State party on constitutional and legislative provisions relating to the implementation of the Convention, the Committee recommends that the State party provide examples of practical implementation of the provisions of the Convention. Guarantees of equality under the Constitution or the absence of judicial rulings applying provisions of the Convention should not be taken to imply that racial discrimination within Bahraini society does not exist.

8. Noting article 172 of the Bahraini Penal Code, article 41 of the Press and Publication Act No. 14 of 1979, and the Social and Cultural Associations and Clubs, Private Institutions and Sports Organizations Act No. 21 of 1989, the Committee is concerned that existing legislation concerning the prohibition of racial discrimination is conditional upon an action being contrary to public peace, order or morality. The Committee emphasizes that not all issues of racial discrimination will necessarily disrupt public order or morality. The Committee encourages the State party to continue its review of legislation and recommends it to implement fully article 4 of the Convention.

9. The Committee expresses its concern at the difficulty, without the aid of information on relevant legislation, of assessing the extent of protection afforded to foreigners, and of enjoyment of the rights and freedoms contained in article 5 of the Convention, as provided for in the Constitution. The Committee recommends that the State party provide information on such relevant legislation in subsequent reports.

10. In the light of the Principles relating to the status of national institutions, approved by the General Assembly in its resolution 48/134, the Committee requests the State party to provide in subsequent reports information on inter alia the responsibilities of the Committee for Human Rights and on its composition, methods and achievements, particularly its achievements in combating racial discrimination.

11. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

12. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations of the reports be similarly disseminated.

13. The Committee recommends that the State party ensure the timely submission of its sixth periodic report, due on 26 April 2001, and that it be an updating report, addressing the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Australia

1. The Committee considered the tenth, eleventh and twelfth periodic reports of Australia, submitted as one document (CERD/C/335/Add.2), at its 1393rd, 1394th and 1395th meetings (CERD/C/SR.1393, 1394 and 1395), held on 21 and 22 March 2000. At its 1398th meeting, held on 24 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation, while regretting the late submission of the tenth and eleventh periodic reports. Appreciation is expressed for the comprehensiveness of the report and of the oral presentation. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the constructive responses of its members to the questions asked.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations of the Committee's concluding observations on the ninth periodic report (A/49/18, paras. 535-551).

B. Positive aspects

4. The Committee is encouraged by the attention given by the State party to its obligations under the Convention and to the work of the Committee.

5. The Committee notes with appreciation the many measures adopted by the State party during the period under review (1992-1998) in the area of racial discrimination, including those adopted to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Committee welcomes the numerous legislative measures, institutional arrangements, programmes and policies that focus on racial discrimination, as comprehensively detailed in the tenth, eleventh and twelfth reports, including the launching of a "New Agenda for Multicultural Australia" and the implementation of the "Living in Harmony" initiative.

C. Concerns and recommendations

6. The Committee is concerned over the absence from Australian law of any entrenched guarantee against racial discrimination that would override subsequent law of the Commonwealth, states and territories.

7. The Committee reiterates its recommendation that the Commonwealth Government should undertake appropriate measures to ensure the consistent application of the provisions of the Convention, in accordance with article 27 of the Vienna Convention on the Law of Treaties, at all levels of government, including states and territories, and if necessary by calling on its power to override territory laws and using its external affairs power with regard to state laws.

8. The Committee notes that, after its renewed examination in August 1999 of the provisions of the Native Title Act as amended in 1998, the devolution of power to legislate on the "future acts" regime has resulted in the drafting of state and territory legislation to establish detailed "future acts" regimes which contain provisions further reducing the protection of the rights of native title claimants that is available under Commonwealth legislation. Noting that the Commonwealth Senate on 31 August 1999 rejected one such regime, the Committee recommends that similarly close scrutiny continue to be given to any other proposed state and territory legislation to ensure that protection of the rights of indigenous peoples will not be reduced further.

9. Concern is expressed at the unsatisfactory response to decisions 2 (54) (March 1999) and 2 (55) (August 1999) of the Committee and at the continuing risk of further impairment of the rights of Australia's indigenous communities. The Committee reaffirms all aspects of its decisions 2 (54) and 2 (55) and reiterates its recommendation that the State party should ensure effective participation by indigenous communities in decisions affecting their land rights, as required under article 5 (c) of the Convention and General Recommendation XXIII of the Committee, which stresses the importance of securing the "informed consent" of indigenous peoples. The Committee recommends to the State party to provide full information on this issue in the next periodic report.

10. The Committee notes that the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund is conducting an inquiry into "Consistency of

the Native Title Amendment Act 1998 with Australia's international obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD)". It is hoped that the results will assist the State party to re-evaluate its response to decisions 2 (54) and 2 (55). The Committee requests the State party, in accordance with the provisions of article 9, paragraph 1, of the Convention, to transmit the report of the Joint Parliamentary Committee's inquiry to the Committee when it is tabled.

11. The establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) and of the Aboriginal and Torres Strait Islander Social Justice Commissioner within the Human Rights and Equal Opportunity Commission (HREOC) were welcomed by the Committee. Concern is expressed that changes introduced and under discussion regarding the functioning of both institutions may have an adverse effect on the carrying out of their functions. The Committee recommends that the State party give careful consideration to the proposed institutional changes, so that these institutions preserve their capacity to address the full range of issues regarding the indigenous community.

12. While acknowledging the significant efforts that have taken place to achieve reconciliation, concern is expressed about the apparent loss of confidence by the indigenous community in the process of reconciliation. The Committee recommends that the State party take appropriate measures to ensure that the reconciliation process is conducted on the basis of robust engagement and effective leadership, so as to lead to meaningful reconciliation, genuinely embraced by both the indigenous population and the population at large.

13. The Committee notes the conclusions of the "National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families" and acknowledges the measures taken to facilitate family reunion and to improve counselling and family support services for the victims. Concern is expressed that the Commonwealth Government does not support a formal national apology and that it considers inappropriate the provision of monetary compensation for those forcibly and unjustifiably separated from their families, on the grounds that such practices were sanctioned by law at the time and were intended to "assist the people whom they affected". The Committee recommends that the State party consider the need to address appropriately the extraordinary harm inflicted by these racially discriminatory practices.

14. The Committee acknowledges the adoption of the Racial Hatred Act 1995 which has introduced a civil law prohibition of offensive, insulting, humiliating or intimidating behaviour based on race. The Committee recommends that the State party continue making efforts to adopt appropriate legislation with a view to giving full effect to the provisions of, and withdrawing its reservation to, article 4 (a) of the Convention.

15. The Committee notes with grave concern that the rate of incarceration of indigenous people is disproportionately high compared with the general population. Concern is also expressed that the provision of appropriate interpretation services is not always fully guaranteed to indigenous people in the criminal process. The Committee recommends that the State party increase its efforts to seek effective measures to address socio-economic marginalization, the discriminatory approach to law enforcement and the lack of sufficient diversionary programmes.

16. The Committee expresses its concern about the minimum mandatory sentencing schemes with regard to minor property offences enacted in Western Australia, and in particular in the Northern Territory. The mandatory sentencing schemes appear to target offences that are committed disproportionately by indigenous Australians, especially juveniles, leading to a racially discriminatory impact on their rate of incarceration. The Committee seriously questions the compatibility of these laws with the State party's obligations under the Convention and recommends to the State party to review all laws and practices in this field.

17. Taking note of some recent statements from the State party in relation to asylum-seekers, the Committee recommends that the State party implement faithfully the provisions of the 1951 Convention relating to the Status of Refugees, as well as the 1967 Protocol thereto, with a view to continuing its cooperation with the United Nations High Commissioner for Refugees and in accordance with the guidelines in UNHCR's "Handbook on Refugee Determination Procedures".

18. The Committee acknowledges the efforts being made to increase spending on health, housing, employment and education programmes for indigenous Australians. Serious concern remains at the extent of the continuing discrimination faced by indigenous Australians in the enjoyment of their economic, social and cultural rights. The Committee remains seriously concerned about the extent of the dramatic inequality still experienced by an indigenous population that represents only 2.1 per cent of the total population of a highly developed industrialized State. The Committee recommends that the State party ensure, within the shortest time possible, that sufficient resources are allocated to eradicate these disparities.

19. The Committee recommends that the State party's reports be made widely available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

20. The Committee recommends that the State party's next periodic report, due on 30 October 2000, be an updating report and that it address the points raised in the present observations.